

REMARKS

The Examiner is requiring restriction in the above-identified application as follows:

- Group I: Claims 1-4 and 21, drawn to the compound of formula (I);
- Group II: Claims 19-20, 22-29 and 31, drawn to the method of using the compound of formula (I); and
- Group III: Claim 30, drawn to the preparation of the compound according to Claim 1.

Additionally, and separately, the Examiner is requiring election of a single disclosed compound species.

Applicants have elected, with traverse, Group I: Claims 1-4 and 21, for further prosecution. Additionally, Applicants have provisionally elected the single compound species: 3-Cyclohexyl-N-hydroxy-acrylamide. Claims 1-4 and 19-31 read on the elected species.

Applicants respectfully traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden.

The MPEP, in subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all the claims would not impose a serious burden on the Office. Because a search of all the claims would not impose a serious burden on the Office, Applicants request withdrawal of the Restriction Requirement.

With respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Finally, Applicants note that MPEP §821.04 states:

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Reply to Restriction Requirement of April 7, 2006

If the Applicant elects claims directed to a product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected Group be found allowable, the non-elected process claims should be rejoined.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles J. Andres, Ph.D.
Attorney of Record
Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

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